

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEROME ROSS, *et al.*,)
Plaintiffs,)
v.)
PROGRESSIVE SPECIALITY INSURANCE)
COMPANY)
Defendant.)
)

ORDER

This case is before the court on Defendant's Motion for Summary Judgment (Doc. # 18) and Plaintiff's Motion to Amend (Doc. # 32). Shortly after the Motion for Summary Judgment was filed, Plaintiff's counsel withdrew from the case (Doc. # 21), and the Plaintiff retained new counsel (Doc. # 29). Plaintiff's counsel seeks to amend the Complaint to abandon the current claims pending against the Defendant and to bring instead a breach of contract claim. While the deadline set forth in the Scheduling Order to amend the pleading has passed, the Plaintiff explains that he seeks amendment to simplify the case and that this amendment reduces the scope of the Defendant's potential liability. (Doc. # 34.)

The court finds that Defendant's Motion for Summary Judgment (Doc. # 18) is due to be granted. The Plaintiff has not contested summary judgment and, in fact, seeks to amend his complaint to abandon the original claims. (Doc. # 34.) The Plaintiff's motion to amend his complaint is also due to be granted. The parties are directed to hold a Rule 26(f) conference as the parties are permitted to conduct discovery on the breach of contract claim.

The court also requires the parties to meet for a face-to-face settlement conference to attempt to resolve this case.

It is ORDERED that:

1. Defendant's Motion for Summary Judgment (Doc. # 18) is GRANTED;
2. Plaintiff's Motion to Amend Complaint (Doc. # 32) is GRANTED; the plaintiff shall file electronically an exact duplicate of the Amended Complaint, which is attached to Doc. # 34, in accordance with the *Middle District of Alabama's Civil Administrative Procedures* **on or before June 19, 2008**;¹
3. The parties are ORDERED to file an amended Rule 26(f) report **on or before July 2, 2008**;
4. The parties are ORDERED to engage in a face-to-face settlement conference and to file a notice with the court **on or before July 2, 2008**; if the parties are unable to reach a settlement, they are to consider the merits of mediation before a magistrate judge or a private mediator;
5. This case is no longer referred to the Magistrate Judge.

DONE this 12th day of June, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

¹ Plaintiff's counsel is directed to carefully review all local rules and pleadings to be filed by plaintiff *before* they are filed.